

REMARKS

By this Amendment, Applicants amend claims 1, 22, and 23, and cancel claim 6 without any prejudice or disclaimer of the subject matter thereof. Applicants also add claim 28 to address other aspects of the present invention. Upon entry of this Amendment, claims 1-5, 7-14, 17-19, 22, 23, 27, and 28 will remain pending.

In the Office Action, the Examiner objected to claims 22 and 23 under 37 C.F.R. 1.75(c) as being of improper form for failing to further limit the subject matter of a previous claim; rejected claims 1-7, 9, 10, 11-14, 17/1, 17/2, 18, 19, 22, 23, and 27 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,261,820 to Slye et al. ("Slye") in view of U.S. Patent No. 5,684,918 to Abecassis ("Abecassis"); and rejected claims 8 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Abecassis.¹

Regarding the objection

Applicants respectfully traverse the objection to claims 22 and 23. However, to expedite the prosecution of this application, Applicants have rewritten claim 22 in independent form, as suggested by the Examiner, and amended claim 23 to be dependent upon claim 22. Accordingly, Applicants respectfully request withdrawal of the objection to claims 22 and 23.

Regarding the Rejections under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 1-7, 9, 10, 11-14, 17/1, 17/2, 18, 19, 22, 23, and 27 under 35 U.S.C. § 103(a) as being unpatentable over Slye

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

in view of Abecassis, because a *prima facie* case of obviousness has not been established.

To establish a *prima facie* case of obviousness based on combination or suggestion of prior art, "Office personnel must articulate . . . a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference." M.P.E.P. § 2143.A (8th edition, revision 6).

Independent claim 1, as amended, recites a combination including, for example, "a continuing means for continuing the game performance after the game has ceased and for automatically enabling operation by the player from the cease point, wherein the continuing processing occurs automatically after the historical state of the performance of the game from a resume point to the cease point is reproduced, and the faster a performing speed of the game at the game cease point, the greater an interval of reproduction from the game cease point of the historical state of the performance of the game." SlYe fails to teach or suggest at least these features of amended claim 1.

SlYe teaches "a method of replaying a computer simulation so that the person using the simulation can record the action of the simulation and reply it. . . . In a video game, the person playing the game can record the action of the game and then replay that recorded action. During replay, the user can enter the game and begin playing anew at any point." SlYe, column 2, lines 28-37, emphasis added. Further, in SlYe, the player can only play either in replay mode ("VCR mode") or play mode. See SlYe, column 3, lines 26-37. However, even in replay mode, any recorded part of the game is

the part of the game already played. Slye's teaching of replaying a recorded game thus cannot constitute "continuing the game performance after the game has ceased and for automatically enabling operation by the player from the cease point," as recited in amended claim 1 (emphasis added).

In fact, Slye has no concept of "resume point" or "cease point". Further, in Slye, "[t]he fast forward, play or stop commands are recognized at step 74," and "[a]t step 86 the method determines whether the user selected the play or fast forward commands." Slye, column 4, lines 19-38. However, Slye's teaching of user selecting a game replay command cannot constitute "wherein the continuing processing occurs automatically after the historical state of the performance of the game from a resume point to the cease point is reproduced," as recited in amended claim 1.

Moreover, Slye is completely silent on "the faster a performing speed of the game at the game cease point, the greater an interval of reproduction from the game cease point of the historical state of the performance of the game," as recited in amended claim 1 (emphasis added).

The Examiner alleges that "[r]eferring to claim 6, Slye discloses that the whole game is saved and that a player can go back to any previous portion of the game and that the game is reproduced (1:39-2:2 and 3:63-4:6)." (Office Action at 4.) However, Slye's mere teaching of recording and replaying the already played game does not constitute "the faster a performing speed of the game at the game cease point, the greater an interval of reproduction from the game case point of the historical state of the performance of the game," as recited in amended claim 1 (emphasis added).

Abecassis fails to cure the deficiencies of Slve. Abecassis merely discloses a video on demand system which integrates video and communications services to a viewer (Abstract). The Examiner alleges that “Abecassis provides VCR-like controls which include a pause or freeze feature” (Office Action at 3.) However, Abecassis’s teaching of a mere pause feature does not constitute the above listed features as recited in amended claim 1.

Therefore, neither Slve nor Abecassis, taken alone or in any reasonable combination, teaches or suggests all claim elements of amended claim 1. Accordingly, Applicants respectfully request withdrawal of the Section 103(a) rejection of amended claim 1. Because claims 2-5, 7, 9, 10, 11-14, 17, 18, 19, and 27 depend from claim 1, either directly or indirectly, Applicants also request withdrawal of the Section 103(a) rejection of claims 2-5, 7, 9, 10, 11-14, 17, 18, 19, and 27 for at least being dependent from an allowable base claim. Because claim 6 has been canceled, the Section 103(a) rejection of claim 6 is moot.

Further, rewritten independent claim 22, while of different scope, includes similar recitations to those of amended claim 1. Claim 22 is therefore also allowable for at least the same reasons stated above with respect to amended claim 1. Applicants respectfully request withdrawal of the Section 103(a) rejection of rewritten independent claim 22 and its dependent claim 23.

Applicants respectfully traverse the rejection of claims 8 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Abecassis.

Applicants note that claims 8 and 11 depend from independent claim 1. The Examiner apparently cited Abecassis to reject claims 8 and 11 without considering claim

1. For the purpose of completeness, Applicants assume that claims 8 and 11 were rejected over Slye in view of Abecassis. However, as set forth above, Slye and Abecassis fail to teach or suggest at least the above listed claim elements as recited in amended claim 1 and required by claims 8 and 11. Accordingly, Applicants respectfully request the withdrawal of the Section 103(a) rejection of claims 8 and 11.

Regarding the new claim

Applicants have added new claim 28 to address other aspects of the present invention. Support for claim 28 may be found at, for example, pages 16 and 17 of the specification. Further, while of different scope, claim 28 includes similar recitations to those of amended claim 1. For at least the same reasons stated above with respect to amended claim 1, claim 28 is also allowable over the applied prior art references.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this paper and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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